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JUDGMENT SHEET
IN THE LAHORE HIGH COURT, LAHORE
JUDICIAL DEPARTMENT

Writ Petition No.6694 of 2025

Nadia Kanwal

Versus

The Chancellor, University of Sargodha / Governor of Punjab,
Lahore & another

JUDGMENT

Date of hearing: 19.01.2026.

Petitioner by: Mr. Allah Nawaz Khosa, Advocate.

Respondents by: Mr. Jawad H. Tarrar, Advocate.

MUHAMMAD SAJID MEHMOOD SETHI, J.:-

Through instant petition, the petitioner Nadia Kanwal has challenged the *vires* of orders dated 06.12.2024 & 23.12.2024, passed by respondents No.1 & 2, respectively, whereby the intervening period w.e.f. 01.04.2020 to the date of reinstatement of the petitioner i.e. 16.12.2024 was treated as Extra Ordinary Leave without pay.

2. Learned counsel for petitioner submits that the petitioner, a Case Analyst (BPS-17), serving since 2007, was constrained to remain away from duty due to exceptional circumstances beyond her control, including lawful relocation on account of her spouse's transfer, officially sought deputation, nationwide COVID-19 lockdowns, repeated directions of limited staff by the University, prolonged illness due to COVID-19, and procedural delays at official forums; throughout this period, she remained in continuous communication with the University, repeatedly expressed her willingness to resume duties, and no *mala fide*, abandonment of service, or misconduct was ever proved in the inquiry proceedings. He adds that the law is well settled that where an employee is exonerated from all charges and no misconduct is established, he / she is entitled to reinstatement with full back benefits, salary and service continuity, as if the allegations had never

been made, particularly where the employee was not gainfully employed elsewhere. In support, he has referred to *Umer Said and others v. District Education Officer (Female) and others* (2007 SCMR 296) and *Chairman, State Life Insurance Corporation of Pakistan, Karachi and others v. Siddiq Akbar* (2013 SCMR 752). Conversely, learned Legal Advisor for respondent-University defends the impugned orders.

3. Record shows that the petitioner was appointed as a Case Analyst (BS-17) in the year 2007 against a regular post. An inquiry was initiated against her on 08.07.2021 on the allegation of willful absence from duty. The petitioner duly submitted a detailed reply explaining the circumstances of her absence; however, without proper appreciation of her defence, the competent authority imposed the major penalty of removal from service vide order dated 05.12.2023 under the PEEDA Act, 2006. Aggrieved thereof, the petitioner preferred an appeal which remained undecided, compelling her to approach this Court, whereupon directions were issued to decide the appeal within a stipulated period. Ultimately, the appellate authority, after granting personal hearing and examining the record, allowed the appeal on 06.12.2024, categorically holding that the petitioner's absence was not willful, that no misconduct or inefficiency was established, and consequently exonerated her of all charges. In compliance thereof, the petitioner was reinstated in service vide order dated 23.12.2024. The grievance now raised before this Court is confined to the treatment of the intervening period as Extraordinary Leave without pay, notwithstanding her unconditional exoneration.

4. There is no cavil with the proposition that a civil servant on unconditional reinstatement into service is to be given back benefits of intervening period, however, after establishing that he / she remained jobless during said period and did not obtain gainful employment. In numerous cases, the Hon'ble superior Courts have already granted back benefits for the intervening period, during which employees remained out of service and did not engage in any gainful profession.

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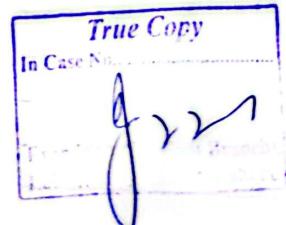
Needless to say that grant of back benefits to an employee, reinstated by a Court/Tribunal or the department, is a rule and denial of such benefit is an exception in case the employee remained gainfully employed during such period. The Hon'ble Supreme Court has consistently held that denial of back benefits in cases of unconditional reinstatement offends the principles of fairness, equity and due process, unless the overarching exception of gainful employment is established. Reliance is placed upon Inspector-General of Police, Punjab v. Tariq Mahmood [2015 SCMR 77 = 2015 PLC (C.S.) 366] and Muhammad Sharif and others v. Inspector General of Police, Punjab, Lahore and others (2021 SCMR 962), wherein it has been unequivocally declared that unconditional reinstatement carries with it the right to continuity of service and attendant benefits.

5. There appears no justification to deny the back benefits for the intervening period to the petitioner, especially when similarly placed other persons have been extended same relief pursuant to the order passed by the Hon'ble Apex Court, reproduced supra.

6. In view of the above, instant petition is allowed in the manner that impugned orders are set aside being illegal and without lawful authority. The matter *qua* grant of back benefits is remitted to respondent No.2 with a direction to decide the same afresh keeping in view the above observations, through a well-reasoned speaking order, strictly in accordance with law as well as case law referred supra, without being influenced by earlier findings, preferably within a period of thirty days from the date of receipt of certified copy of this judgment. Compliance report shall be furnished to this Court through Deputy Registrar (Judicial).

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(Muhammad Sajid Mehmood Sethi)
Judge

Examining Copy Supply Section
22/17
Authorized Under Article 87 of
Qanun-e-Shahadat Order 19



A.R.S.